

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LIZBETH O'KEEFE A/K/A LISBETH :
O'KEEFE, :
Plaintiff, : Civil No. 07 CV 9811 (RMB)
- v - :
JP MORGAN CHASE BANK, NA, : ATTORNEY AFFIDAVIT OF
Defendant. : SHEILA E. CARSON
----- X

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

SHEILA E. CARSON, an attorney admitted to practice before this Court, being duly sworn deposes and says:

1. I am a Vice President and Assistant General Counsel in the JPMorgan Chase Legal Department, attorneys of record for defendants JPMorgan Chase Bank, N.A. ("Chase"), defendant in the above captioned case.

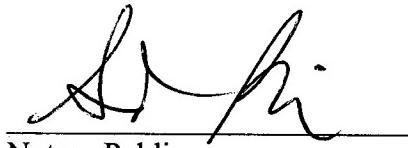
2. I am familiar based on personal knowledge, information and belief and/or records of the Defendants, with the facts and circumstances hereinafter set forth. I make this affidavit in support of Chase's Motion to Dismiss the Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

3. Annexed hereto as Exhibit A is a copy of the Amended Complaint served on Chase in the above-captioned action.



Sheila E. Carson

Sworn to before me this
11th day of April, 2008



Notary Public

STUART RADISH
Notary Public, State of New York
No. 01RA6115435
Qualified in New York County
Commission Expires September 7, 2008

EXHIBIT A

~~DO NOT RECORD~~YES NO CLOSED UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKLizbeth O'Keefe
A/K/A Lisbeth O'Keefe

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

JPMorgan Chase Bank, N.A.AMENDED
COMPLAINT

07 civ 9811 (RMB)

Jury Trial: Yes No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Lizbeth O'Keefe A/K/A Lisbeth O'Keefe
 Street Address P.O. Box 286908
 County, City New York County, New York City
 State & Zip Code New York
 Telephone Number 212-876-1786

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name JPMorgan Chase Bank, N.A.
 Street Address 1111 Polaris Parkway
 County, City County of Franklin, City of Columbus
 State & Zip Code Ohio 43240-2031
 Telephone Number 800 282 9494

Defendant No. 2

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 3

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 4

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

Federal Questions

Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right

is at issue? 28 U.S.C. 1331; Expedient Funds Availability Act
(12 USC 4001 et seq) as defendant violated plaintiff's rights
under 12 USC 4008 (c)(1)(A)(B)(2), 4010(g)(1)(2)(A), 4010(f)

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? New York City, New York County, NYS and JPMorgan Chase Bank, NY check processing sites of unknown locations.

B. What date and approximate time did the events giving rise to your claim(s) occur?

November 5, 2006 to October 29, 2007

C. Facts: Plaintiff checking statements dated 9/28/06 to 1/25/07 did not contain any checks. About 11/08/06 to 11/2007 plaintiff sought original checks or their substitute from offices of CEO, yet received only photocopies.

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

2. Plaintiff stated she needed evidence of payment (7/30/07) yet still was not provided any evidence of \$37,502.17 of said check's payments (9/18/07). Plaintiff stated she would take defendant to court (10/29/07) unless evidence was not provided, yet defendant did nothing.

3. Combined total of said original checks not contained in plaintiff bank statements from 9/28/06 to 1/25/07 was \$37,502.17.

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them, and state what medical treatment, if any, you required and received. Plaintiff does not possess her original cleared checks that were written between September 28, 2006 to Jan 25, 2007, and possesses no evidence that she paid \$37,502.17 of her monies by said original checks.

Plaintiff spent MUCH TIME, and spent (\$6.74), sending faxes, letters, and costs of this action (\$350) plus travel to court and photocopy costs.

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. Award plaintiff the combined total of all said checks \$37,502.17, plus all costs associated with defendants' failure to provide said checks original checks (\$674 letters, faxes) (\$350 index # purchase) travel to court + photocopy fees.

Basis of compensation is 12 USC 4010 (a)(1)(2)(A)(3), as defendant is liable to plaintiff for not providing to plaintiff said original checks as returning checks is part of the check payment system - 12 USC 4008 (c)(1)(A)(B).

Defendant acted in bad faith in not providing plaintiff said original checks or evidence of plaintiff paying \$37,502.17 as per said original checks, pursuant to 12 USC 4010 (f).

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 13th day of March, 2008 Lizbeth O'Keefe A/K/A Lisbeth O'Keefe

Signature of Plaintiff

Mailing Address

Lizbeth O'Keefe A/K/A Lisbeth O'Keefe

P.O. Box 286908

NY NY 10128

212-876-1786

Telephone Number

Fax Number (if you have one)

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

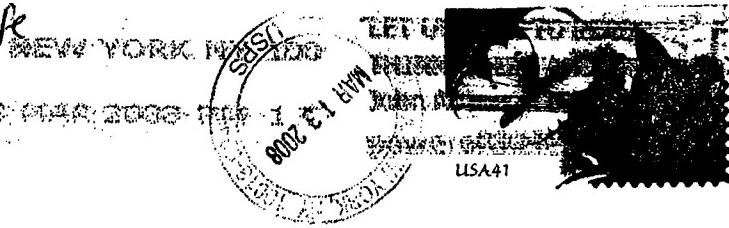
For Prisoners:

I declare under penalty of perjury that on this _____ day of _____, 20_____, I am delivering this complaint to prison authorities to be mailed to the Pro Se Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: _____

Inmate Number: _____

Lisbeth O'Keefe A/K/A Lisbeth O'Keefe
Plaintiff Pro Se
P.O. Box 286908
NY NY 10128



JPMorgan Chase Bank, N.A.
Defendant
c/o CT Corporation Systems, Inc.
111 ~~E~~ 8th Avenue
N.Y. N.Y. 10011

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